

W.P(MD)No.5483 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE S. SOUNTHAR

W.P(MD)No.5483 of 2016

Gopaldas Dwarakadar
Family Trust Estate,
Through its Managing Trustee,
GD.Gokuldoss

... Petitioner

Vs

1. The Assistant Commissioner,
Land Reforms,
Old Collectors Office Compound,
Cantonment, Trichy- 1.

2. The Special Deputy Collector,
Revenue Court, Trichy.

3. The District Collector,
Ariyalur, Ariyalur District.

4. The District Collector,
Trichy, Trichy District.

5. The Revenue Divisional Officer,
Ariyalur.

... Respondents

**(*R5 was impleaded by this Court vide
order made in W.M.P(MD)No.15580/2025,
dated 07.08.2025)**



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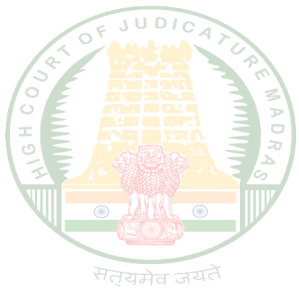
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider the request of the petitioner trust for grant of compensation for the lands declared as surplus and acquired by the state under the provisions of Tamil Nadu Reforms (fixation of Ceiling) Act 1961, pursuant to proceedings dated 22.11.1997 in M.R.1/7-G/Trichy/37-72 of 1st respondent as published in Tamil Nadu Gazette notification dated 11.03.1998 and pay the compensation along with interest within the time limit fixed by this Court.

For Petitioner : Mr.Shanmuganathan
Senior Counsel
for Mr.AL.Kannan,

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

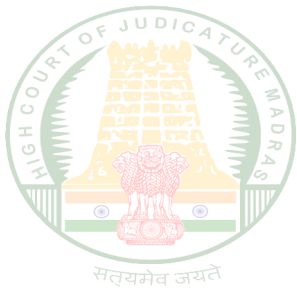
The writ petition is filed seeking a direction to the respondents to consider the request of the petitioner Trust for payment of compensation in respect of the lands declared as surplus in the hands of the petitioner's Trust under the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as per the proceedings of the first respondent dated 22.11.1997 in proceedings No. M.R.1/7-G/Trichy/37-72 published in Government Gazette dated 11.03.1998.



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2.The petitioner Trust owned 36.40 acres of land 20.800 standard Acres) in S.Nos.9, 17/1B, 17/1C, 18/3, 40/1, 14/1B, 95/1, 100/2, 101/1, 102/1, 103/1A, 105/2B, 107/9, 109/3, 114/5, 116/6, 120/1, 121/2A, 121/2C, 123/2, 129/7, 130/19, 131/8, 131/17C, 139/8, 143/1, 144/8, 145/2, 154/1, 156/1, 162/1, 163/1, 168/2, 173/4 and 174/2 in Kamarasavalli Village, Ariyalur District. Since the petitioner Trust is entitled to retain only 5 standard acres, the excess land in the hand of the petitioner was declared as surplus under the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The said declaration was published in the Tamil Nadu Gazette dated 11.03.1998. In spite of the said declaration and acquisition, the petitioner has not paid with compensation as per the provisions of the said Act. Hence the petitioner Trust submitted series of representation before the first respondent and the same have not been considered. The last of the petitioner's representation was submitted before the first respondent on 20.09.2020. It is seen from the affidavit filed in support of the impleading petition in W.M.P(MD)No.15580 of 2025, the Office of the first respondent is not in existence and his powers are vested with the newly impleaded fifth respondent.



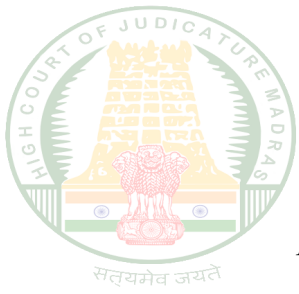
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3. In view of the same, the petitioner is directed to submit a fresh representation before the fifth respondent, within a period of four weeks, from the date of receipt of a copy of this order, seeking payment of compensation in accordance with the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. If any such representation is submitted by the petitioner, the fifth respondent shall consider the same and make necessary payment to the petitioner within a further period of twelve weeks.

4. In *Lakshmi Ammal and Ors Vs. The Assistant Commissioner, Land Reforms, Villupuram* reported in *AIR 1992 MAD 27 = MANU/TN/0006/1992*, this Court held that Authorised Officer cannot take his own time to fix the compensation. The relevant observation reads as follows:

"I am of the view that a reading of the Section is clear enough to indicate that the Authorised Officer must act promptly and conclude the enquiry as regards the fixation of final compensation within a very reasonable period. All the periods mentioned in the Section, if put together, would indicate that at the worst, the Authorised Officer cannot



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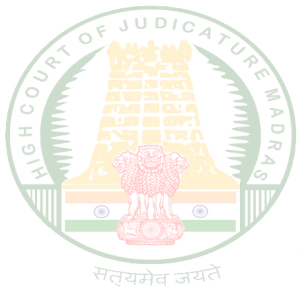


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prolong the matter beyond a period of six months. It is not, however, necessary for me to hold in the case that the Authorised Officer shall finalise the compensation within a period of six months. I am referring to this aspect of the matter only to point out that the section is not conferring any unlimited power on the Authorised Officer to take his own time to fix the compensation. Hence, the contention that the Section is void for vagueness cannot be accepted."

In the very same judgment, the question of payment of interest in case of delayed payment of compensation was also considered as it was held as follows:

"26.If the principle accepted and adopted by the Division Bench is followed in this case, there is no difficulty in granting interest to the petitioner on the basis of equitable principles for the period subseuent to 1-7-1978, as the said period falls entirely outside the period contemplated by the Rules. The Rules provide only for ten equited annual instalments from the date of taking possession. That period having come to an end, there is no provision in the Rules with regard to the payment of interest for the subsequent period. The Government cannot escape the liability to pay interest, as the owner had been deprived of possession long prior thereto and the amount of compensation had not been



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paid to the owner even at the time of the expiry of the said period."

In the case on hand, there is no averment in the writ affidavit regarding date of taking possession by the Government. Hence, I hold the petitioner is entitled to interest at the rate of 4% per annum on the compensation amount payable to him from the date of taking possession by respondent, provided possession was already taken. Hence, the fifth respondent is directed to consider the request of the petitioner for payment of interest also, if possession was already taken.

5. With the above direction, this writ petition stands disposed of.

No costs.

07.08.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No

LR



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To

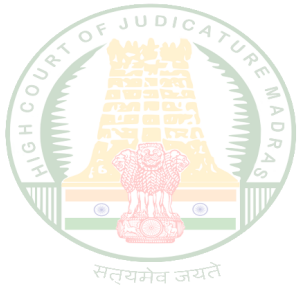
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S. SOUNTHAR, J.

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